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Notice of Allowability

Application No.

10/811,296

Examiner

Chukwuma O. Nwaonicha

Applicant(s)

BHANDARI ET AL.

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendment filed 17 February 2005.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 3/4/4 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Claims 1-16 are pending in the application.

Election/Restrictions

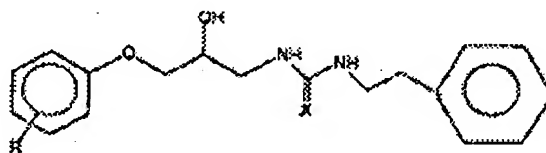
Applicant's election with traverse of Group I (Claims 1, 2 and 8 drawn to a N-aryloxypropanolyl-N'-phenethyl urea of general formula 3) in the reply filed on 1/11/05 is acknowledged. Applicants' traversal of restriction requirement is persuasive. Groups I-III will be prosecute as a single Group, that is, claims 1-16.

Allowed Claims

Claims 1-16 are allowable over the prior art of record.

Reason For Allowance

The following is an examiner's statement of reasons for allowance: applicants' claim compound of general formula 3 shown below and the process for making the same wherein all variables are as defined in the claims were neither found to be obvious nor anticipated by the prior art of record.

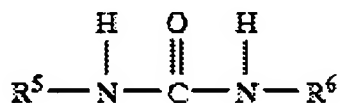


Formula 3

The closest prior arts are Srivastava et al., {Journal of Organometallic Chemistry, 414 (1991), 65-96} and Hayashi et al., {US 5,902,899}. Srivastava et al. disclose unsubstituted urea compound (C₆H₅CH₂NHCONHCH₂C₆H₅, page 67, table 1; the last compound in the table) while applicants' claim a substituted urea as shown above

(figure 3). On the other hand, Hayashi et al. disclose urea compound and a process for preparing the same as shown below.

Process for preparing 1,3-disubstituted urea of the formula:



wherein R^5 is the same as or different from R^6 , and each of R^5 and R^6 is independently linear or branched, alkyl of 1–20 carbon atoms, alkenyl group having 2 to 20 carbon atoms or alkynyl group having 2 to 20 carbon atoms, which may have phenoxy, alkoxy of 1–13 carbon atoms, monocycloalkyl of 3–8 carbon atoms, bicycloalkyl of 6–12 carbon atoms, aryl of 6–13 carbon atoms, furyl, pyridyl, or aralkyl of 7–20 carbon atoms, comprising reacting cyclic carbonic acid ester with an amine using alkali metal alkoxide or trialkylamine as base, in safety and high yield.

The instant claims are not anticipated nor rendered obvious by Srivastava et al and Hayashi et al.

A further search of the prior art failed to uncover any reference that taught or motivated one of ordinary skill to make a N-aryloxypropanolyl-N'-phenethy urea of general formula 3 as claim by applicants.

All claims (1-16) are allowed.

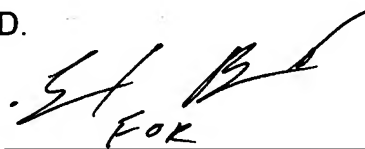
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter_ can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chukwuma O. Nwaonicha, Ph.D.
Patent Examiner
Art Unit: 1621



FOR

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